

# Chapter 9: Reduction-in-Force

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## **Reduction-in-Force Options and Procedures**

A reduction-in-force (RIF) happens for varying circumstances. The consistent philosophy during RIF, however, is to find the highest available position to decrease the detrimental effects to the employee and minimize disruption to the agency.

Historically, when a classified position is abolished the incumbent's RIF options are based on classifications in which the employee has held permanent status. The Washington Management Service (WMS) does not have job classifications. However, the basic considerations in determining RIF options are consistent with the RIF process for the General Service. These are:

- Each agency is required to have a RIF procedure.
- Seniority is the predominant factor considered.
- Appropriate funded vacancies are offered before filled positions.
- The employee's personal work history and job skills are utilized in determining options.

Agencies will have greater flexibility when determining options for those employees who are subject to RIF because there are no job classifications in the WMS. This may result in more opportunities for managers to continue state employment.

### **Transition Period**

An employee's RIF options under the WMS rules are based on the relative point values of the positions under consideration, as determined by the position evaluation process described in Chapter 4 (Compensation). These options cannot be fairly determined until all WMS positions in an agency have been evaluated and assigned a point value. Therefore, WAC 356-56-050 stipulates that employees are to be treated in accordance with WAC 356-30-330 (the General Service RIF rules) if a reduction-in-force occurs before all positions in an agency have been evaluated.

The options and considerations outlined below will apply once all WMS positions in an agency have been evaluated and placed in one of the four WMS management bands.

### **Determining RIF Options**

When seeking RIF options for WMS employees, agencies should look at options in the order listed below for each progressively lower point value:

- A WMS funded vacant position at the same point value for which the employee has appropriate education/work history and skills and greater seniority.

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- A funded vacant General Service position, at an equivalent salary (i.e., the WMS employee's current salary falls within the range of the General Service position), allocated to a class in which the WMS employee has held permanent status and has greater seniority.
- A WMS filled position at the same point value for which the WMS employee has appropriate education, work history, and skills and greater seniority.
- A filled General Service position, at an equivalent salary level, allocated to a class in which the WMS employee has permanent status and for which the WMS employee has greater seniority.
- **(New)** A WMS acting position at the same point value for which the WMS employee has appropriate education, work history, job skills and greater seniority.
- **(Optional)** The agency may offer a WMS funded vacant position at a higher point value for which the agency has determined the employee has appropriate education/work history and skills.

When evaluating RIF options at progressively lower levels, agencies are reminded to continually consider General Service positions in job classes for which the WMS employee has permanent status.

Historically, selective certifications are placed on positions for recruitment and RIF purposes. The WMS does not have a formalized selective certification process. Each agency decides, position by position, what specialized skills are necessary to perform successfully in the position and applies those requirements during RIF. The agency determines if the employee's background appropriately fits the requirements of the position that is being considered as an option and may consider the employee's education and work history obtained outside of state service. When considering General Service positions as options, the standard selective confirmation process described in WAC 356-30-330 is followed.

Agencies must consider appropriate Washington General Service (WGS) positions within the agency in the same occupational field with the same or similar salary for which the employee is qualified and has held permanent status, prior to considering appropriate WMS positions which have a lower salary.

Permanent WMS employees, who have no options for same or similar positions in the WMS and who have held permanent status in the General Service, will have RIF rights in the General Service as provided in WAC 356-30.

If WMS employees have no options in WMS and they have not held permanent status in a General Service classification, they have no bump options. However, the agency may

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offer them other positions in the WMS or in the General Service if the offer does not interfere with other employees' RIF rights and bump options and is permissible under the merit system rules.

There will not be a RIF register for positions in the WMS. However, a WMS employee is entitled to be placed on RIF registers for General Service classes in which the employee has held permanent status. This is identical to the existing process used for the General Service. The RIF Transition Pool is accessible for WMS employees who are subject to RIF.

Given that RIF occurs in extreme circumstances and no one benefits from complete separation of employees, it is recommended that agencies be as flexible as possible in matching WMS employees with positions. The goal is to seek an option for the employee at the current salary, or very close to it, either in the WMS or General Service.

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### ■ Sample RIF Letter

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*August 19, 1996*

*Jane Doe  
4222 Avenue SW  
Anytown, WA 98512*

*Dear Jane:*

This letter is to inform you that due to lack of funds and good faith reorganization for efficiency purposes your position #0033, *WMS Assistant Director*, in the *Office of State Agency A* is being abolished effective *5:00 PM, Monday, September 1, 1994*. This is being done without prejudice and in accordance with Merit System Rules WAC 356-56-550 and WAC 356-30-330 and the *Office of State Agency A's* approved RIF plan.

Employees who are subject to reduction-in-force (RIF) but have attained permanent status within the Washington Management Service enjoy certain seniority rights. According to our personnel records, your seniority date is *4/27/76* and you have attained permanent status in the Washington Management Service.

Your employment RIF options are:

- #1 Voluntary Separation
- #2 WMS Manager #0240
- #3 WMS Manager #0155

You have three working days to accept one of the above options.

Please note that failure to return a written notice of acceptance of an option will be interpreted as your rejection of the options and result in your separation from service on the effective date shown above.

As a permanent state employee, you have the right to appeal the basis for this action by submitting a written request for review to the Personnel Appeals Board, 2828 Capitol Boulevard, PO Box 40911, Olympia, Washington, 98504-0911, within thirty calendar days of the effective date of the reduction-in-force action. A written request for review of the action should contain the reasons and basis for your appeal.

If you have any questions about this action, do not hesitate to talk with your Personnel Officer. Your contributions to the agency have been appreciated.

Sincerely,

Appointing Authority

Enclosures  
cc: Personnel file

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## ■ Sample RIF Letter Attachment

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### **RIF Rights and Options for Employees with Permanent Status in the Washington General Service**

Based on your rights as a permanent state General Service employee, you are eligible to have your name placed on the Agency and Service-Wide Reduction-In-Force (RIF) registers for the job classification in which you gained permanent status and the Reemployment register for job classifications in which you gained permanent project status. Enclosed are state employment applications for your use. Please send the completed applications to the Department of Personnel. Also enclosed is an information sheet, "Applying for placement on RIF or Reemployment Registers."

Once your name is placed on RIF registers, your name will only be referred to those agencies and locations where you have indicated availability. If you are offered an interview or a position and decline the offer three times, your name will be removed from that RIF register. If you are removed from a RIF register, you may apply for placement on the reemployment register. Your name is eligible to remain on the Agency RIF register for three years and the Service-Wide RIF register for two years.

### **RIF Rights and Options for Employees with Permanent Status in the Washington General Service or Washington Management Service or Both**

If you decide to waive your options and it results in a period of unemployment, you are eligible to take tests and compete as a promotional candidate for Department of Personnel registers for one year from date of separation. You should also consider applying for transfer and voluntary demotion registers for which you qualify.

You also have the right to be placed in the RIF transition pool to be considered for vacancies in other agencies. Please contact the Department of Personnel for further details.

If you are separated, you are entitled to a lump sum payment of unused vacation leave; unused sick leave credits will remain "on the books" for a period of up to five years from the date of your separation. Merit System Rules state that you may defer the payment of your accumulated vacation leave for a period of thirty days. If you are paid for your vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, you must return the payment for the remaining vacation days. If you have not yet taken advantage of your personal holiday this year, you should do so before your termination date.

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As a permanent employee, you have been entitled to medical and dental benefits. The full employer-provided coverage will end upon your termination. If you are interested in information about self-payment of your benefits please contact your payroll representative.

Once off the state payroll, employees may elect to leave their retirement contributions with the retirement system or request a refund of accumulated contributions, plus interest. Withdrawal forms are also available upon your request. You should be cautioned, however, that withdrawal of your contributions will terminate your membership and cancel all rights and benefits you have accrued in the retirement system. Membership can be reestablished upon reemployment. If you request a refund and enter into eligible employment within thirty days or prior to the refund being made, you will not be entitled to keep it.

As a permanent state employee, you have the right to appeal the basis for this RIF action by submitting a written request for review to the Personnel Appeals Board, 2828 Capitol Boulevard, PO Box 40911, Olympia, Washington, 98504-0911, within thirty calendar days of the effective date of the reduction-in-force action. A written request for review of the action should contain the reasons and basis for your appeal.

If you have any questions about this RIF action, do not hesitate to talk with your Personnel Officer. Your contributions to the state through your employment are appreciated.